

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

WASTE ACTION PROJECT,

Plaintiff,

v.

ASTRO AUTO WRECKING LLC,

Defendant.

CASE NO. C15-0796-JCC

ORDER

This matter comes before the Court on Plaintiff's motion for an order to show cause why Defendant should not be held in civil contempt (Dkt. No. 102). The Court has broad authority to sanction Defendant for failing to satisfy an earlier order by the Court. *F.T.C. v. EDebitPay, LLC*, 695 F.3d 938, 945 (9th Cir. 2012).

Upon reviewing the materials Plaintiff presents and the parties' resulting stipulation (Dkt. No. 105), the Court FINDS that Plaintiff has established by clear and convincing evidence that Defendant has violated the Court's April 4, 2017 order (Dkt. No. 91 at 10) requiring Defendant to implement certain pollution control measures by March 31, 2018. *See U.S. v. Bright*, 596 F.3d 683, 694 (9th Cir. 2010). Moreover, Defendant has not shown why it is unable to comply with the order. *See F.T.C. v. Affordable Media*, 179 F.3d 1228, 1239 (9th Cir. 1999).

Accordingly, the Court ORDERS as follows: if Defendant fails to show full compliance with paragraph 36(b) of the stipulated injunctive relief, as ordered by paragraph 16 of the Court's

1 April 4, 2017 order (Dkt. No. 91 at 10), by September 30, 2018, Defendant must pay to the Court  
2 \$5,000 per month of noncompliance beyond September 30, 2018. In order to avoid these  
3 sanctions, Defendant must file a declaration confirming its compliance with the April 4, 2017  
4 order by October 1, 2018. That declaration must include photographs showing completion of the  
5 required impervious concrete pad surrounded by a concrete berm for Defendant's car crushing  
6 area and an oil/water separator consistent with the design prepared by Land Technologies, dated  
7 April 15, 2011 and stamped by registered engineer Paul Musante.

8 DATED this 13th day of August 2018.

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12 John C. Coughenour  
13 UNITED STATES DISTRICT JUDGE  
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